IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1352 of 1979

Fibreglass Pilkington Ltd. .. Plaintiff

versus

A.P.V. Equipment Co.Ltd. .. Defendants

...

Ms.Sharma i/b Crawford Bailey & Co. for the plaintiff.

Mr.B.B. Parekh for the defendant.

Mr.U.S. Patole, Asstt. Official Liquidator present.

CORAM : D.G. KARNIK,J.

DATED : 7th July 2005.

P.C.:

1. Heard learned counsel for the parties.

2. Learned counsel for the plaintiff states that in view of the fact that the defendant Company has gone in liquidation, it does not wish to proceed with the suit. The defendant Company had made a counter claim. Learned Official Liquidator who is

representing the Company now states that the Liquidator has no documents to prove the counter claim and therefore seeks leave to withdraw the counter claim also. He submits a written report to that effect.

3. For the reasons stated in the said report, it would be appropriate to permit the liquidator to withdraw the counter claim especially because there is no evidence available with the Official Liquidator. Hence, suit of plaintiff is dismissed for non prosecution. Counter claim made by the defendant is also dismissed for non prosecution.

4. Issue court fee refund as per rules.

D.G. KARNIK, J